## REMARKS

The above amendments and following remarks are submitted in response to the Official Action of the Examiner mailed June 19, 2006. Having addressed all objections and grounds of rejection, claims 1-10 and 21-25, being all pending claims, are now deemed in condition for allowance. Entry of these amendments and reconsideration to that end is respectfully requested.

Claims 1-5 have been rejected under 36 U.S.C. 112, second paragraph, as being indefinite in view of certain typographical informalities associated with claim 1. In response thereto, claim 1 has been amended as suggested by the Examiner.

Claims 1-10 and 21-25 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,892,915, issued to Duso et al (hereinafter referred to as "Duso"). This ground of rejection is respectfully traversed for failure of Duso to meet the requirements of MPEP 2131.

The standards for a finding of anticipation during examination are specified in MPEP 2131, which provides in part:

> TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH
> EVERY ELEMENT OF THE CLAIM
> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). **"The identical invention must be shown in as complete detail as is contained in the ... claim."** *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (emphasis added)

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The rejection of amended claims 1-10 and 21-25 is respectfully traversed because Duso does not show "the identical invention....in as complete detail as is contained in the claim[s]" as required by MPEP 2131.

In accordance with Applicants' invention as disclosed and claimed, the "multimedia application server" accesses a requested video program and "spools" it into the temporary memory. A particular "video server" is assigned by the "multimedia application server" to "stream" the requested video program from the temporary memory to the requesting user. In other words, a first computer (i.e., the multimedia application server) spools (i.e., writes) the requested video program into the temporary memory and a second computer (i.e., one of the plurality of video servers) streams (i.e., reads and outputs) the requested video program from the temporary memory. The advantages of this approach is discussed by Applicants' specification extensively. These advantages are summarized at page 8, line 10, through page 10, line 5.

Claim 1, for example, is limited by "multimedia application server....which....spools said video data into said temporary memory and....a particular one of said plurality of video servers to stream said video data from said temporary memory to said user". Independent claims 6 and 21, being the only other pending independent claims, are similarly limited.

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The system of Duso operates in a significantly different manner. "Stream servers" 21 of Duso both "spool" (i.e., prestage) the video programming data to "cached disk array" 23 and "stream" the video programming data from "cached disk array" 23. As to the spooling (i.e., prestaging) function, column 7, lines 16-20, states:

> In a preferred mode of operation, to archive data from a file from the network to tape, one of the stream servers 21 receives the file from the network 25 and prestages the file to the cached disk array 23 at a high rate limited by the network transmission rate (about 150 GB/hour).

Thus, unlike Applicants' claimed invention, stream servers 21 of Duso both spool and stream the video data. This distinction becomes readily apparent as one compares Duso to pending claims 1-10 and 21-25.

With regard to claim 1, the Examiner finds that disk array 23 of Duso corresponds to Applicants' claimed "temporary memory". Therefore, the Examiner makes a clearly erroneous finding of fact in stating:

> ....a multimedia application server (28, 29)....spools said video data into said temporary memory....

There is no showing that "controller servers" 28 and 29 spool video data into disk array 23, as alleged by the Examiner. In fact, as explained above, the spooling (i.e., prestaging) function of Duso is performed by stream servers 21. Thus, the rejection of amended claim 1, and all claims depending therefrom,

is respectfully traversed for failure of Duso to meet the requirements of MPEP 2131.

Claim 2 depends from claim 1 and is further limited by "**logic which selects** said particular one of said plurality of video servers based upon said particular one of said plurality of video servers already having said video data loaded". Duso has no such **logic which selects**, as claimed, and indeed has no need for such **logic which selects**, because all of stream servers 21 are loaded with the same programs. Column 25, lines 4-7, of Duso states:

> .....stream server PC's(21 in FIG. 2) are allocated and loaded with the data for each popular movie before the client requests for the movie are received....

Because all of stream server PC's 21 have been loaded with the same data, no selection is appropriate or necessary. The rejection of claim 2 is respectfully traversed for failure of Duso to meet the requirements of MPEP 2131.

Claim 3 depends from claim 2 and further limits the claimed selection structure. As explained above, Duso does not have the claimed selection structure of claim 2 from which claim 3 depends. Therefore, Duso cannot have the further limitations of claim 3. The rejection of claim 3 is respectfully traversed.

Claim 4 depends from claim 3 and further limits the claimed selection structure. As explained above, Duso does not have the claimed selection structure of claim 3 from which claim 4

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depends. Therefore, Duso cannot have the further limitations of claim 4. The rejection of claim 4 is respectfully traversed.

Claim 5 depends from claim 4 and further limits the claimed selection structure. As explained above, Duso does not have the claimed selection structure of claim 4 from which claim 5 depends. Therefore, Duso cannot have the further limitations of claim 5. The rejection of claim 5 is respectfully traversed.

With regard to claim 6, the Examiner finds that disk array 23 of Duso corresponds to Applicants' claimed "temporary memory". Therefore, the Examiner makes a clearly erroneous finding of fact in stating:

> ....a multimedia application server (28, 29)....spools said video data into said temporary memory....

There is no showing that "controller servers" 28 and 29 spool video data into disk array 23, as alleged by the Examiner. In fact, as explained above, the spooling (i.e., prestaging) function of Duso is performed by stream servers 21. Thus, the rejection of claim 6, and all claims depending therefrom, is respectfully traversed for failure of Duso to meet the requirements of MPEP 2131.

Claim 7 depends from claim 6 and is further limited by "**logic which selects** said particular one of said plurality of video servers based upon said particular one of said plurality of video servers already having said video data loaded". Duso has no such **logic which selects**, as claimed, and indeed has no need

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for such **logic which selects**, because all of stream servers 21

are loaded with the same programs.   Column 25, lines 4-7, of Duso

states:

> .....stream server PC's(21 in FIG. 2) are allocated and
> loaded with the data for each popular movie before the
> client requests for the movie are received....

Because all of stream server PC's 21 have been loaded with the

same data, no selection is appropriate or necessary.   The

rejection of claim 7 is respectfully traversed for failure of

Duso to meet the requirements of MPEP 2131.

Claim 8 depends from claim 7 and further limits the claimed

selection structure.   As explained above, Duso does not have the

claimed selection structure of claim 7 from which claim 8

depends.   Therefore, Duso cannot have the further limitations of

claim 8.   The rejection of claim 8 is respectfully traversed.

Claim 9 depends from claim 8 and further limits the claimed

selection structure.   As explained above, Duso does not have the

claimed selection structure of claim 8 from which claim 9

depends.   Therefore, Duso cannot have the further limitations of

claim 9.   The rejection of claim 9 is respectfully traversed.

Claim 10 depends from claim 9 and further limits the claimed

selection structure.   As explained above, Duso does not have the

claimed selection structure of claim 9 from which claim 10

depends.   Therefore, Duso cannot have the further limitations of

claim 10.   The rejection of claim 10 is respectfully traversed.

Claims 21-15 have not been separately examined. The Examiner simply refers to his discussion of claims 6-10. Therefore, even though the limitations of claims 21-25 differ from the limitations of claims 6-10, Applicants have been provided no opportunity to present further evidence and/or arguments concerning patentability. The rejection of claims 21-25 is respectfully traversed in accordance with the discussions above.
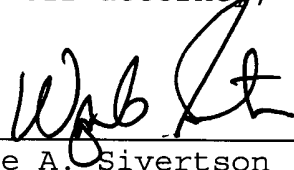
Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-15 and 21-25, being the only pending claims.

Please charge any deficiencies or credit any overpayment to Deposit Account No. 14-0620.

Respectfully submitted,

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By their attorney,

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